IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 464 OF 2005
IN
L.C. SUIT NO. 1190 OF 2005

Mrs. Santosh Arora .. Appellant
V/s.
Bombay Municipal Corpn. of
Greater Bombay & Another .. Respondents

Mr. Glenn A. Lobo for the Appellant
Ms. Geeta Jogalekar for the Respondents

CORAM : ABHAY S. OKA, J.
DATED : 15TH APRIL, 2005

P.C.:-

1. The Appellant has tendered Affidavit-cum-Undertaking dated 12.4.2005, which is taken on record and marked as 'X' for identification. The undertakings contained in the said Affidavit are accepted.

2. Heard the Advocates appearing for the parties. In view of the Affidavit-cum-Undertaking tendered today, following order is passed:-

i) In view of the Undertaking given to withdraw the L.C. Suit No. 1190 of 2005 un-conditionally, the said Suit stands dismissed as withdrawn.

ii) If an appropriate application is made by the Appellant, in accordance with the rules to the competent authority of the Respondent No. 1 Corporation for regularisation of the work covered by the notice dated 29.11.2004 issued by the Respondent No. 1 within a period of four weeks

from today, the said application shall be decided by the competent authority of the Respondent No. 1 Corporation, within a period of eight weeks from the date of receipt of the application.

iii) The concerned authority of the Respondent No. 1 Corporation will intimate the order passed on the said application to the Appellant within a period of one week from the date of the passing of the order.

iv) If application for regularisation is made within a period of four week from today, for a period of sixteen weeks from today, the Respondent no. 1 Corporation shall not take steps for demolition of the structure in dispute.

3. Appeal from Order disposed of in above terms with no order as to costs.

4. Parties to act on an ordinary copy of this order, duly authenticated by the Sheristedar.

(JUDGE)